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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE EASTERN DISTRICT OF CALIFORNIA

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9 FIKRI BAYRAMOGLU, 1:08-cv-01517 LJO YNP [DLB] (HC)

10 Petitioner,  
11 vs.  
12 J.D. HARTLEY, Warden  
13 Respondent.

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16 Petitioner, a state prisoner proceeding pro se, has filed a habeas corpus action pursuant to 28  
17 U.S.C. § 2254.

18 Venue for a habeas action is proper in either the district of confinement or the district of  
19 conviction. 28 U.S.C. A. § 2241 (d). However, it is preferable for petitions challenging a conviction  
20 or sentence to be heard in the district of conviction while petitions challenging the manner in which the  
21 sentence is being executed be heard in the district of confinement. Dunne v. Henman, 875 F.2d 244, 249  
22 (9th Cir. 1989).

23 In this case Petitioner was convicted in Marin County in the Northern District of California and  
24 is confined at Chuckawalla Valley State Prison in the Southern District of California. Petitioner  
25 complains that he was not given access to the Turkish Embassy at the time of trial and that he was  
26 denied a fair trial due to jury misconduct. (Pet. at 8). Petitioner is challenging his conviction from the  
27 Marin County Superior Court; therefore, the petition should have been filed in the United States District  
28 Court for the Northern District of California. In the interest of justice, a federal court may transfer a case

1 filed in the wrong district to the correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d  
2 918, 932 (D.C. Cir. 1974).

3 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United States  
4 District Court for the Northern District of California.

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6 IT IS SO ORDERED.

7 Dated: September 25, 2009

8 /s/ Dennis L. Beck  
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